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Inslee halts executions; impact on current cases may be minimal

Gov. Jay Inslee announced a moratorium on executions while he is in office: “During my term we will not be executing people.”

By [Andrew Garber](#) and [Jennifer Sullivan](#)

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Ted S. Warren / The Associated Press, 2008

The execution chamber at the Washington State Penitentiary in Walla Walla is shown. In declaring a moratorium on executions while he is in office, Gov. Jay Inslee said if a death-penalty case comes to his desk, he will issue a reprieve, which does not commute the death sentence.

THE NINE MEN ON WASH. DEATH ROW



Jonathan Lee Gentry

Convicted in 1991 of bludgeoning Cassie Holden, 12, on June 13, 1988, in Kitsap County.



Clark Richard Elmore

Convicted in 1995 of the rape and murder of Kristy Ohnstad, 14, the daughter of his live-in girlfriend, on April 17, 1995, in Whatcom County.



Dwayne A. Woods

Convicted in 1997 of the murders of Telisha Shaver, 22, and Jade Moore, 18, on April 27, 1996, in Spokane County.



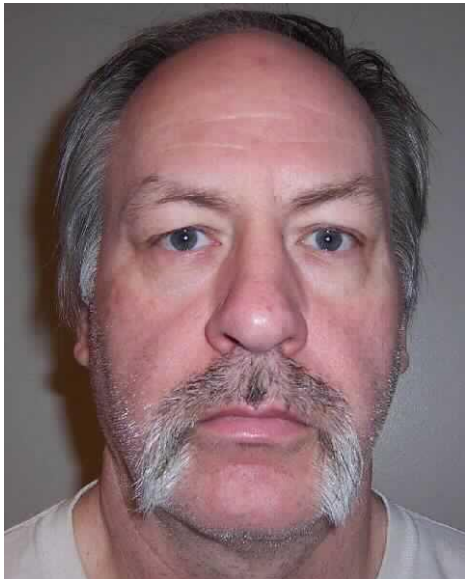
Cecil Davis

Convicted in 1998 of the rape and suffocation/asphyxiation murder of Yoshiko Couch, 65, after burglarizing her home Jan. 25, 1997, in Pierce County.



Dayva Cross

Convicted in 2001 of the stabbing deaths of his wife, Anouchka Baldwin, 37, and stepdaughters Amanda Baldwin, 15, and Salome Holle, 18, in Snoqualmie on March 6, 1999.



Robert Lee Yates Jr.

Convicted in 2002 of murdering Melinda Mercer, 24, in 1997 and Connie LaFontaine Ellis, 35, in 1998 in Pierce County. In 2000, he was convicted of the murders of 13 people in Spokane County but avoided the death penalty by confessing in exchange for a life sentence.



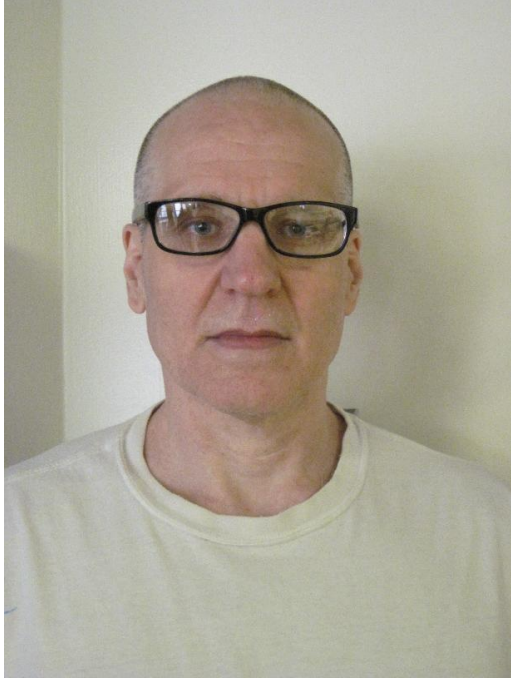
Conner Schierman

Convicted in 2010 of the murders of Olga Milkin, 28; her sons, Justin, 5, and Andrew, 3; and her sister, Lyubov Botvina, 24, on July 16, 2006, in Kirkland.



Allen Gregory

Reconvicted in 2012 of the rape and murder of Geneine "Genie" Harshfield, 43, on July 26, 1996, in Pierce County.



Byron Scherf

Convicted in 2013 of the murder of Correctional Officer Jayme Biendl on Jan. 29, 2011, while she was on duty at the Monroe Correctional Complex.

Source: state Department of Corrections

OLYMPIA — One of the first questions Gov. Jay Inslee had to ask himself upon taking office last year was whether he was willing to let death-row inmates be executed.

“This is really a tough question for a lot of reasons,” he said Tuesday.

In the end, his answer was no.

Not everyone is happy about that. One lawmaker called Inslee’s decision “shortsighted.” The father of a murder victim said he was devastated by the governor’s action, and some county prosecutors said they will pursue death sentences regardless.

“You’re not changing the law; you’re postponing it for another day,” said King County Prosecuting Attorney Dan Satterberg.

Inslee’s announcement caught many people by surprise, considering it is not an issue the governor has highlighted in the past. It was cheered by death-penalty opponents, including one state legislator who said it “sets in motion a legitimate and genuine public conversation.”

Inslee said no one would be executed while he's in office, but he did not commute the sentences of inmates on death row. That creates the potential for future governors to reinstate the death penalty in those cases.

Inslee also is not proposing legislation to abolish the death penalty this year, although he said he would support such a bill if offered.

For his part, the governor said there was no light-bulb moment, no sudden conviction that he should issue the moratorium on executions.

Instead, the governor and his staff described months of briefings, learning about inmates on death row, as well as issues surrounding the death penalty both on a national and local level.

The governor even visited the Washington State Penitentiary in Walla Walla last month so he could be walked through each step of an execution. That is where death row is housed, and where executions take place.

"To have the superintendent, who sits next to the condemned during an execution, talk about what that means, was an important conversation" for Inslee, said Nicholas Brown, the governor's general counsel.

There also were discussions with former Department of Corrections personnel who have overseen executions. And Inslee met with victims — the families of people who were murdered and have been waiting for the killers to die.

There are nine inmates now on death row, including murderers who bludgeoned, stabbed and suffocated their victims. Many of their victims were children.

In the end, Inslee concluded the system was too flawed to allow more executions. He said the death penalty is applied unequally in the state; death-row inmates are rarely executed; life in prison is less expensive than prosecuting a death sentence from start to finish; and that there is no evidence it deters murder.

"It's not right," the governor said during a news conference. "So I'm exercising that decision-making authority as governor of the state of Washington. I'm also at peace with this decision."

The governor called his decision "a relatively restrained, more modest use of the executive power. It allows people to continue this conversation. It allows people to have their thoughts expressed."

He also sought to assure Washington residents that the inmates now on death row will stay in prison for as long as they live, he said.

When questioned, Inslee acknowledged the moratorium may not necessarily save money, particularly because death-penalty cases can still be filed and appeals still pursued. However, the

move could prompt county prosecutors not to seek the death penalty in some cases, thus realizing some savings.

There are no plans to pursue legislation aimed at abolishing the death penalty during this session.

State Rep. Reuven Carlyle, who has repeatedly introduced bills to ban the death penalty, said he might hold a hearing this session but will start a new push in 2015.

Carlyle, D-Seattle, called Inslee's moratorium "a profound shift. He has opened a legitimate conversation. ... It sets in motion a legitimate and genuine public conversation."

However, Sen. Mike Padden, R-Spokane Valley, chairman of the Senate Law and Justice Committee, disagreed with Inslee's decision, calling it "shortsighted."

"I question it, I really do," Padden said of the moratorium. "To victims, it's the wrong message. The relatives who have suffered the deaths. They have gone through 10 years or more of waiting. ... For the governor to unilaterally take that away I think is wrong."

Reprieve vs. commutation

"Washington's Constitution and state statutes grant the governor significant powers over the fate of individuals sentenced to death," Attorney General Bob Ferguson said in a statement Tuesday. "Consequently, the governor has the authority to hit the 'pause' button for executions in Washington."

Ferguson said his office will continue to represent the state when death-row inmates file challenges to their convictions or sentences with the federal courts. Currently, there are four such cases before the federal courts, he said.

Satterberg, the King County prosecutor, in a written statement said the legal ramifications of Inslee's "reprieve policy" appear limited and that state law remained unchanged. However, he said in the short term it is likely to cause more delays, expense and uncertainty.

"A moratorium alone will not resolve the issues raised by the Governor," Satterberg said. "Let's have an informed public debate and let the citizens of Washington decide if we should keep capital punishment in our state."

Nonetheless, Satterberg said he doesn't expect the moratorium to have a direct impact on the two potential death-penalty cases his office is prosecuting: that of Christopher Monfort, who is accused of killing Seattle police Officer Timothy Brenton on Halloween 2009; and that of Joseph McEnroe and Michele Anderson, who are accused of killing six members of Anderson's family on Christmas Eve 2007 in Carnation.

Green River killer spared

The death penalty has come under fire in Washington state for a variety of reasons, including what some have termed inconsistencies in when it is sought, something Inslee mentioned in announcing the moratorium.

For example, in the case of Green River killer Gary L. Ridgway, King County prosecutors gave up on capital punishment in exchange for his cooperation in providing details that helped solve dozens of open murder cases. Ridgway pleaded guilty to 48 counts of aggravated first-degree murder in 2003 and was sentenced to life in prison. He has since been convicted of a 49th slaying.

Cal Coburn Brown, the last person executed in the state, died by lethal injection in September 2010 for the 1991 murder of Holly Washa in SeaTac.

Jonathan Lee Gentry, sentenced for the 1988 murder of 12-year-old Cassie Holden in Kitsap County, was expected to be the next inmate in line to be executed. Last month, the state Supreme Court rejected a petition for release filed by Gentry's defense team. Gentry just filed another appeal, based on DNA testing.

Pam Mantle, whose daughter, son-in-law and two young grandchildren were among those fatally shot in Carnation on Christmas Eve 2007, said she was disappointed by Inslee's announcement.

"We have put our lives on hold," said Mantle, who with her husband has sat through nearly every court hearing for defendants McEnroe and Anderson over the past six years. "I think if it was his family he would perhaps feel a lot differently."

Calling the decision irresponsible and disgraceful, Leonid Milkin, whose wife and two young sons were killed by Conner Schierman in Kirkland in 2006, said he was "appalled by Inslee's blatant disregard for victims' suffering."

"It is a shame that Inslee turned his back on victims and chose to be on the side of convicted murders," he wrote in an email.

"Executions are down"

Richard Dieter, executive director of the Death Penalty Information Center in Washington, D.C., said Inslee is not the first governor in the nation to oppose the death penalty.

Last year, Colorado Gov. John Hickenlooper granted a reprieve to an inmate who killed four people at a Chuck E. Cheese's restaurant in 1993.

Hickenlooper had found the state's death-penalty system "imperfect and inherently inequitable," according to The Denver Post. Dieter said the move means the inmate won't be executed while Hickenlooper is governor.

“Death sentences are down. Executions are down. Six states in the last six years have repealed the death penalty,” Dieter said Tuesday. According to the information center, seven states have an effective moratorium on executions.

Eighteen states, as well as the District of Columbia, have abolished the death penalty.

Seattle Times staff reporters Brian M. Rosenthal and Sara Jean Green contributed to this report, which includes information from The Associated Press.

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